

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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YVETTE MARIANO,

Plaintiff(s),

ORDER

-against-

CV 09-1395 (LDW) (ETB)

LA FITNESS INTERNATIONAL, LLC., et al.,

Defendant(s).

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Plaintiff's counsel failed to appear at the initial conference on August 4, 2009, nor did counsel communicate with the court as to his inability to appear - either before or after the initial conference.

At the initial conference defendants' counsel, Wollmuth Maher & Deutsch, LLP, were granted leave to "make application for counsel fees and costs" arising from plaintiff's counsel's non-appearance. Counsel spent four and one-half (4 ½) hours in preparation and attendance at the initial conference and approximately thirteen (13) hours on the motion and supporting memorandum of law.

The motion was filed on September 11, 2009. Plaintiff's counsel has failed to oppose the motion.

The motion is granted to the extent that the court awards to the defendants the sum of \$2,500.00. In all other respects, the motion is denied. Plaintiff's counsel, Anthony C. Donofrio, is directed to make such payment to the defendants, as and for reimbursement for counsel fees incurred, in the sum of \$2,500.00 within ten (10) days. See Rule 16(f), Fed. R. Civ. P.

SO ORDERED:

Dated: Central Islip, New York
October 14, 2009

/s/ E. Thomas Boyle
E. THOMAS BOYLE
United States Magistrate Judge